

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**Southwestern Bell Telephone Company et al.,**

**Plaintiffs,**

**vs.**

**Case No. 3:11-cv-02009**

**Phil Iverson et al.**

**Defendants.**

**MOTION OF CCI COMMUNICATIONS INC. AND CHRIS GOSE TO COMPEL  
ARBITRATION OF CERTAIN CLAIMS AND TO DISMISS ALL OTHER CLAIMS**

Defendants CCI Communications LLC (“CCI”) and Chris J. Gose (“Mr. Gose”) (collectively “Movants”) respectfully file this Motion. Movants request the Court to:

1. dismiss all claims against Mr. Gose and CCI relating to the First and Second Dallas Data Mining Schemes in favor of the jurisdiction in which the parties contractually agreed to bring such claims, New York City. Alternatively, Movants request the dismissal of those claims because Plaintiffs filed them outside the two year contractual limitations period for bringing such claims;
2. compel arbitration of all claims against Mr. Gose and CCI relating to the Atlanta Data Mining Scheme pursuant to the parties’ contractual agreement to arbitrate such claims. Alternatively, Movants request the dismissal of those claims because Plaintiffs filed them outside the one year contractual limitations period for bringing such claims;
3. dismiss all remaining claims against Mr. Gose and CCI because Plaintiffs have failed to meet the pleading standard established by *Iqbal* and *Twombly*. Those claims do not describe the actions of the Movants in any way, do not implicate the Movants in the described conduct, and do not even mention the Movants once. In short, those claims fail to plead any facts making it plausible that Movants participated in the underlying conduct described therein.

For all of these reasons, the Court should grant this Motion by: (a) dismissing all of AT&T’s claims relating to the Dallas Data Mining Schemes, so they can be re-filed in the appropriate jurisdiction, (b) compelling all of AT&T’s claims relating to the Atlanta Data Mining Scheme to arbitration, and (c) dismissing all remaining claims against Movants.

Dated: September 29, 2011

Respectfully submitted,

/s/ Gene R. Besen

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**Counsel for CCI Communications Inc.  
and Chris Gose**

**CERTIFICATE OF SERVICE**

I hereby certify that on September 29, 2011, a copy of the foregoing was served electronically via CM/ECF to the following:

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Respectfully submitted,

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